

DEPARTMENT OF SOCIAL SERVICES

STATE OF CALIFORNIA

In the Matter of the Statement of)	No. 6297240001
Issues against:)	
)	L-1997070186
MARY A JENKINS)	
Family Day Care Applicant)	99 CDSS 14
77 W. Longden Avenue)	
Arcadia, CA - 91007,)	
)	
Respondent.)	
)	
)	

PROPOSED DECISION

This matter came on regularly to be heard before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California on September 29, 1997.

Complainant was represented by Janet McKenzie, Senior Staff Attorney. MARY A. JENKINS, respondent, appeared personally without counsel.

Evidence, both oral and documentary, was presented and the matter was submitted for decision. The Administrative Law Judge makes his findings of fact, determinations of issues, and renders his proposed decision as follows:

Findings of Fact

1. Complainant, Martha Lopez, is the Deputy Director, Community Care Licensing Division of the above-entitled Department, and filed the Statement of Issues herein while acting solely in her official capacity.

2. On March 11, 1997, respondent applied for issuance of a license for the above described business and location. The application was denied on April 1, 1997 and respondent appeals. The parties have timely filed all pleadings, notices and other papers as required by law.

3. On or about April 3, 1996 respondent provided care and supervision to two or more unrelated children at a time when a previously issued license to her had been revoked for cause. Respondent's claim that one of the unrelated children was her granddaughter is unfounded.

4. On or about April 9, 1997 respondent provided care and supervision to two or more unrelated children at a time when a previously issued license to her had been revoked for cause. Evidence offered by respondent to the effect that she had been conducting a prayer meeting, not running a child-care business, was not persuasive.

5. On January 23, 1995 the Department revoked a license to operate a family day care business at the address here in issue for the following reasons:

- a. Failure to supervise children in care, resulting in one child touching the vagina of another on one date, and lack of any adult supervision whatever during a four day period;
- b. Repeated instances of spanking;
- c. Humiliating and demeaning punishment;
- d. Excessively loud yelling at young children;
- e. Intentionally giving prescription medicines to children for whom it was not prescribed;
- f. On numerous occasions, had numbers of children care which exceeded her licensed authority.

6. On September 6, 1996, respondent was convicted of a misdemeanor violation of Health and Safety Code Section 1596.80, operating a child care facility without a license, for which an exemption had not been granted.

7. While respondent has presented evidence tending to prove that she has operated a day care facility to the satisfaction of several parents, there is no evidence as to respondent's present fitness to operate such a business in light of the unsatisfactory history of performance set out above.

Determinations of Issues

Respondent's application is subject to denial pursuant to Sections 1596.856, 1596.885, and 1597.54 of the Health and Safety Code on the grounds that respondent has violated or permitted the violation of applicable licensing statutes and regulations, and has engaged in conduct which is inimical to the health, morals, welfare or safety of children in care or the People of the State of California, and has been convicted of a crime within the meaning of Section 1596.885(d) of said Code.

Order

The application is denied.